

Case No.: 22-55687

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

LA Alliance for Human Rights, et.al,

Plaintiff-Appellant,

vs.

CITY OF LOS ANGELES, et al.,

Defendants-Appellees.

Appeal from the District Court for the Central District of California,

Case No. 2:20-cv-02291-DOC-KES

Honorable David O. Carter, United States District Judge

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
INTERVENORS-APPELLANTS' OPENING BRIEF**

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MOTION FOR EXTENSION OF TIME

Intervenors-Appellants' Opening Brief is now due May 2, 2023. Appellants seek a final forty-five day extension of time to and including June 16, 2023 to file their Opening Brief. This motion is unopposed by Plaintiffs'-Appellees' and Defendants'- Appellees' counsel and is Appellants' third request or motion for an extension in the case to date.

First, good cause exists for the extension because granting the extension may result in the streamlining of the issues on appeal, therefore preserving judicial resources and the resources of the parties. Intervenor-Appellants appeal the entry of an order approving a settlement between Plaintiffs and Defendant City of Los Angeles, but the case remains pending as between Defendant County of Los Angeles and Plaintiffs. This Court issued an Order to Show Cause on the question of appellate jurisdiction and whether the appeal could proceed before a final judgment in the case. After briefing by the parties, the Appellate Commissioner ordered that the appeal could proceed, but ordered the parties to again brief the issue of appellate jurisdiction. The County of Los Angeles and Plaintiffs have since reached a settlement in the case, which would result in a dismissal of the action and a final judgment in the case, once the agreement is approved by the Court. The settlement also has the potential to impact the agreement between the City and Plaintiffs. Intervenors and the other parties to the litigation were hopeful

that by this time, the settlement would be approved and the case would be dismissed, thereby mooted the question of appellate jurisdiction. Instead, the court raised additional issues with the proposed settlement at the April 20, 2023 hearing and denied the request to dismiss the case. An additional 45 days will provide the parties additional time to potentially resolve the issues raised. In addition, at the April 20, 2023 hearing, the court addressed matters that are germane to this appeal. The additional time will allow the development of the record for the appeal and briefing to fully address the issues raised during the hearing.

Second, good cause exists because, as outlined in our motion for extension and in the accompanying declarations of Carol Sobel and Catherine Sweetser, the attorneys on the case need additional time to complete briefing in this matter. The senior attorney on the case remains unable to assist with the brief due to her husband's health condition. Sobel Decl. ¶ 3. At the same time, the undersigned and other attorneys of record in this matter had a number of significant deadlines during the past two months, including an unexpected need to oppose a motion for summary judgment and a significant discovery matter that has required their attention over the last month and will require their attention in the forthcoming month. *Sweetser Decl.* ¶ 2-4. The undersigned was also attending to pretrial

matters throughout March, and in trial from March 28-April 4, 2023 and unable to assist in the briefing. *Id.*

Further, on April 20, 2023, the Court in this matter unexpectedly withdrew the litigation stay that was in place in this case through May 12, 2023 and expedited all litigation deadlines, including the deadline to file a responsive pleading. The deadline to file a responsive pleading is now May 3, 2023, the scheduling conference is scheduled for May 9, 2023, and the Rule 26 report is now outstanding. Intervenors intend to file a responsive pleading and to actively participate in discovery; however, this will be difficult given the current briefing schedule in this appeal and the expedited schedule set by the district court.

As outlined above, the extension will allow counsel to fully brief the issues in the case. Counsel do not anticipate requesting any further extensions.

Both Plaintiff'-Appellees' counsel and Defendant-Appellees' counsel do not oppose the extension sought in this motion. *Sweetser Decl.* ¶ 6.

For all these reasons, Appellants requests that this Court grant their request for an extension of time to June 16, 2023 to file their Opening Brief.

Dated: April 25, 2023.

By: s/ Catherine Sweetser
Catherine Sweetser
Attorneys for Intervenors-Appellants.

DECLARATION OF CATHERINE SWEETSER

1. I am an attorney at law duly licensed and entitled to practice in this Court and in the state of California. I have personal firsthand knowledge of the within-stated facts and if called as a witness I could testify thereto under oath.

2. Since the streamlined extension was requested and granted, I have been dealing with multiple other deadlines in other cases, as well as with coordinating a visit from the Inter-American Commission for Human Rights, which took place on March 1 through March 11, 2023. During that time, I was in attendance at case hearings and an official country visit from the Commission, making it difficult for me to work on this brief during that time.

3. At the same time, a trial that I am lead counsel in was continued to March 28, 2023, and proceeded to trial from March 28 to April 4, 2023.

4. In addition, my co-counsel in this matter and I are counsel in another matter pending in the U.S. District Court, Central District of California. Since the streamlining request has been filed, we have been dealing with an unexpected opposition to a motion for summary judgment which was due on April 17, 2023, as well as continuing to deal with a time-intensive discovery matter related to the work of a court-appointed forensic examiner, who was appointed to investigate discovery practices by the City of Los Angeles.

5. My co-counsel is also experiencing a significant staff shortage at her organization, the Legal Aid Foundation of Los Angeles, which has impacted her ability to work on the briefing in this matter.

6. My co-counsel informed Defendants'-Appellees' and Plaintiffs'-Appellees' counsel of Intervenors' intention to request this extension of time on April 25, 2023, and was informed by all counsel that they do not oppose the requested extension.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed this April 25, 2023 at Los Angeles, California.

s/ Catherine Sweetser
Catherine Sweetser

DECLARATION OF CAROL A. SOBEL

I, CAROL A SOBEL, declare as follows:

1. I am counsel of record for the Intervenors Orange County Catholic Worker, Los Angeles Community Action Network (“LA CAN” or CANGRESS), and Los Angeles Catholic Worker in this matter. I have personal knowledge of the facts set forth below and, if called to testify to those facts, could and would do so competently.

2. I am providing this declaration in support of Intervenors’ request for an extension to file their opening brief on appeal.

3. I have a personal situation with respect to my husband that has developed over the last several months. He is elderly and disabled. His health situation in the past months has continued to require my support for his recovery. While I have some assistance, attending to his needs has limited my time on casework significantly and with an element of unpredictability depending upon his situation from day to day.

4. As a consequence, I have shifted my responsibilities on several cases to other counsel. With respect to this case, I have been unable to assist with the appeal and will be limited in my ability to do so as I work to stabilize his situation. I do not anticipate this situation changing in the near future.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 25th day of April, 2023 at Los Angeles, California.

/s/ Carol A. Sobel
CAROL A. SOBEL

CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2023 I electronically filed the foregoing document UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE APPELLANT'S OPENING BRIEF with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

I hereby certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: April 25, 2023.

By: s/ Catherine Sweetser
Catherine Sweetser
Attorneys for Intervenors-Appellants.